

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2001-000384

08/19/2004

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT
M. Johnson
Deputy

FILED: 08/20/2004

JASON R CONKLIN, et al.

STEVEN M FRIEDMAN

v.

RED MOUNTAIN PRIVATE SENIOR HOME
INC, et al.

ROBERT GRASSO JR.

JEAN M SULLIVAN
LONNIE J WILLIAMS JR.
ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

9:41 a.m. This is the time of hearing on the stipulation of the parties to vacate the trial and to reset the same and also on various motions. Counsel Serena Montague is present on behalf of plaintiff. Counsel Robert Grasso is present on behalf of defendant. Counsel Scott Altes and Jean Sullivan are present on behalf of defendant Banner Health. Counsel Corey Babington is present on behalf of defendant Life Care Center. All are present telephonically.

Court Reporter Kathy Braley is present.

After extended argument the court orders as follows:

1. Granting the stipulation of the parties and vacating the trial date on November 30, 2004 and the comprehensive pretrial conference set on November 23, 2004 and resetting the following trial date and deadlines.
2. Granting plaintiffs' motion to compel depositions and ordering that the redepositions of Nurses Hinton, Eastman and Ascenzo proceed for another four hours each. Any party may ask questions at these depositions.
3. Denying defendant Life Care's motion to strike plaintiffs' supplemental response dated June 18, 2004.

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4. Approving, signing, filing Order containing the new trial date and the new comprehensive pretrial conference and settlement conference.

IT IS ORDERED setting this case for a **jury trial on May 2, 2005 at 9:30 a.m.**

Estimated length of trial: 10 days.

THIS IS A FIRM TRIAL SETTING. A MOTION TO CONTINUE BASED ON LACK OF PREPARATION WILL NOT BE GRANTED.

1. A final pre-trial conference is set for **April 26, 2005 at 8:30 a.m.**
2. A joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, shall be due at the time of the pre-trial conference.
3. Jury Instructions are to be provided at the pre-trial conference.
4. All Motions in Limine shall be filed 30 actual days (Sun.-Sat.) before the trial date. Responses shall be filed 10 actual days upon receipt of motions. No replies allowed. All Motions in Limine shall be heard on **April 26, 2005 at 8:30 a.m.** (30 min.).
5. At the pre-trial conference, counsel shall provide the Court with copies of any deposition transcripts to be read to the jury. The offering party should highlight the portions to be read. The other side should highlight Rule 106 additions. Any objections for the Court to rule on should be clearly marked in the margin.
6. In the ordinary case, counsel may assume the jury will be picked and opening statements will take place in the morning. Witnesses will then be called on the first day. Trial days are normally 9:30 a.m. to 12:30 p.m., and 1:30 p.m. to 4:45 p.m., four days a week (Monday - Thursday).
7. At the pre-trial conference, counsel shall be prepared to discuss:
 - (a) time limits in voir dire, opening statements, examination of witnesses and closing statements.
 - (b) stipulation as to the foundation and authenticity of exhibits.
 - (c) preliminary jury instructions.
8. Counsel shall make arrangements with the Clerk of the Court for marking exhibits 5 days prior to trial date.

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9. One day's jury fees will be assessed unless the Court is notified of settlement before 2:00 p.m. on the judicial day before trial.

IT IS FURTHER ORDERED that the parties shall conduct a settlement conference on or before **March 1, 2005** with the Alternative Dispute Resolution section of the Superior Court with a Judge Pro Tem.

9:54 a.m. Matter concludes.